



JAN 21 2005

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Atty. Dkt. No. 047542-0197

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hubbard et al.  
Title: TISSUE AUGMENTATION  
MATERIAL AND METHOD  
Appl. No.: 09/626,326  
Appl. Filing Date: 7/26/2000  
Examiner: T. Strzelecka  
Art Unit: 1637

|  |                   |
|--|-------------------|
| CERTIFICATE OF EXPRESS MAILING   |                   |
| I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |                   |
| EV 423498063 US  | 01/18/2005        |
| (Express Mail Label Number)  | (Date of Deposit) |
| <i>Charles J. Schreck</i>  |                   |
| (Printed Name)   |                   |
| <i>Charles J. Schreck</i>  |                   |
| (Signature)  |                   |

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

Enclosed are:

[ X ] Amendment/Reply.

01/24/2005 CNGUYEN 00000014 09626326

|            |           |
|------------|-----------|
| 01 FC:1252 | 450.00 OP |
| 02 FC:1801 | 790.00 OP |

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XXX.XXXXXX.XA

☒ Other References.

The filing fee is calculated below:

|  | Claims as Amended | Previously Paid For | Extra Claims Present | Rate       | Fee Totals |
|--|-------------------|---------------------|----------------------|------------|------------|
| RCE Fee 1.17(e):                                     |                   |                     |                      | \$790.00   | = \$790.00 |
| Total Claims:  | 49                | - 73                | = 0                  | x \$50.00  | = \$0.00   |
| Independents   | 13                | - 13                | = 0                  | x \$200.00 | = \$0.00   |
| First presentation of any Multiple Dependent Claims: |                   |                     |                      | + \$360.00 | = \$0.00   |
| CLAIMS FEE TOTAL:                                    |                   |                     |                      |            | = \$790.00 |

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

|   |          |            |
|---|----------|------------|
| <input checked="" type="checkbox"/> Extension for response filed within the second month: | \$450.00 | \$450.00   |
| TOTAL FEE:  |          | \$1,240.00 |

☒ A check in the amount of \$1,240.00 to cover the filing fee is enclosed.


☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

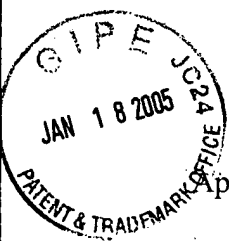
Respectfully submitted,

Date July 18, 2005

FOLEY & LARDNER LLP  
Customer Number: 27433  
Telephone: (312) 832-4358  
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By 

Marshall J. Brown  
Attorney for Applicant  
Registration No. 44,566



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| Charles J. Schreck   |                   |
| (Printed Name)   |                   |
| Charles J. Schreck   |                   |
| (Signature)  |                   |

**AMENDMENT AND REPLY WITH REQUEST FOR CONTINUED EXAMINATION**  
**UNDER 37 C.F.R. § 1.114**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Final Office Action dated August 17, 2004, concerning the above-referenced patent application.

Applicants have enclosed with this amendment a Petition for Extension of Time to make this response timely.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this document.

**Remarks/Arguments** begin on page 10 of this document.

Please amend the application as follows: